

REMARKS

Claims 29 through 52 were presented for examination and were rejected.

The applicants respectfully traverse the rejections and request reconsideration in light of the following remarks.

35 U.S.C. 102 Rejection of Claims 29-52

Claims 29 through 52 were rejected under 35 U.S.C. 102(e) as being anticipated by D. Vassilovski, U.S. Patent 6,813,264, (hereinafter "Vassilovski"). The applicants respectfully traverse the rejection.

Claim 29 recites:

29. A method comprising selecting one of a plurality of physical media for sending a message from a first telecommunications terminal to a second telecommunications terminal, based on the semantic content of said message.

(emphasis supplied)

Nowhere does Vassilovski teach or suggest, either alone or in combination with the other references, what claim 29 recites – namely, selecting a physical medium for sending a message based on the message's semantic content. For example, a message about a corporation's strategic plan might be sent via the most secure of available physical media, while a message about football scores might instead be sent via the least expensive of available physical media. Vassilovski, in contrast, teaches setting up a call via one of two methods (circuit switching or packets over the public Internet) based on the destination address or call-setup parameters [Col. 2, lines 41-47]:

In a preferred embodiment, the SIP server instantiates circuit-switched calls only for intersystem calls requiring voice-call-latency characteristics and end-to-end data connectivity, as might be indicated by, e.g., an address or portion thereof of the destination device not being registered with the SIP server, and/or specific SIP call setup parameters.

Vassilovski teaches nothing about considering the semantic content of the message.

For this reason, the applicants respectfully submit that the rejection of claim 29 is traversed.

Because claims 30 and 31 depend on claim 29, the applicants respectfully submit that the rejection of these claims is also traversed.

Claim 32 recites:

32. A method comprising selecting one of a plurality of physical layer protocols for sending a message from a first telecommunications terminal to a second telecommunications terminal, based on the semantic content of said message.

(emphasis supplied)

For the same reason as for claim 29, the applicants respectfully submit that the rejection of claim 32 is traversed.

Because claims 33 and 34 depend on claim 32, the applicants respectfully submit that the rejection of these claims is also traversed.

Claim 35 recites:

35. A method comprising selecting one of a plurality of medium access controls for sending a message from a first telecommunications terminal to a second telecommunications terminal, based on the semantic content of said message.

(emphasis supplied)

For the same reason as for claims 29 and 32, the applicants respectfully submit that the rejection of claim 35 is traversed.

Because claims 36 and 37 depend on claim 35, the applicants respectfully submit that the rejection of these claims is also traversed.

Claim 38 recites:

38. A method comprising selecting one of a plurality of networks for sending a message from a first telecommunications terminal to a second telecommunications terminal, based on the semantic content of said message.

(emphasis supplied)

For the same reason as for the previous claims, the applicants respectfully submit that the rejection of claim 38 is traversed.

Because claims 39 and 40 depend on claim 38, the applicants respectfully submit that the rejection of these claims is also traversed.

Claim 41 recites:

41. A method comprising selecting one of a plurality of physical media for sending a message based on the user to whom said message is directed.

(emphasis supplied)

Nowhere does Vassilovski teach or suggest, either alone or in combination with the other references, what claim 41 recites – namely, selecting a physical medium (*e.g.*, copper, radio, *etc.*) for sending a message based on the user to whom said message is directed.

While Vassilovski does teach using different networks (in particular, the Public Switched Telephone Network [PSTN] versus the Public Internet) for a call based on the destination address of the call, this is entirely different from the present invention as recited in claim 41. First of all, Vassilovski uses the destination address to determine if the call is an intrasystem call or an intersystem call, and then decides based on this information whether to select the PSTN or Public Internet for the call. Vassilovski therefore decides based on the physical location of the destination which network to use for the call – not on the particular user who is being called (which are two different things, particularly for Voice over IP and other peer-to-peer types of calls). Second, Vassilovski is concerned with selecting a network, and mentions nothing about different physical media (*e.g.*, copper, radio, *etc.*) for transmitting calls.

For these reasons, the applicants respectfully submit that the rejection of claim 41 is traversed.

Because claims 42 and 43 depend on claim 41, the applicants respectfully submit that the rejection of these claims is also traversed.

Claim 44 recites:

44. A method comprising selecting one of a plurality of physical layer protocols for sending a message based on the user to whom said message is directed.

(emphasis supplied)

For the same reason as for claim 41, the applicants respectfully submit that the rejection of claim 44 is traversed.

Because claims 45 and 46 depend on claim 44, the applicants respectfully submit that the rejection of these claims is also traversed.

Claim 47 recites:

47. A method comprising selecting one of a plurality of medium access controls for sending a message based on the user to whom said message is directed.

(emphasis supplied)

For the same reason as for claims 41 and 44, the applicants respectfully submit that the rejection of claim 47 is traversed.

Because claims 48 and 49 depend on claim 47, the applicants respectfully submit that the rejection of these claims is also traversed.

Claim 50 recites:

50. A method comprising selecting one of a plurality of networks for sending a message based on the user to whom said message is directed.

(emphasis supplied)

For the same reason as for claims 41, 44, and 47, the applicants respectfully submit that the rejection of claim 50 is traversed.

Because claims 51 and 52 depend on claim 50, the applicants respectfully submit that the rejection of these claims is also traversed.

Request for Reconsideration Pursuant to 37 C.F.R. 1.111

Having responded to each and every ground for objection and rejection in the Office action, applicants respectfully request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

If there are remaining issues, the applicants respectfully request that Examiner telephone the applicants' attorney so that those issues can be resolved as quickly as possible.

Respectfully,
Doree Duncan Seligmann et al.

By **/Jason Paul DeMont/**
Jason Paul DeMont
Reg. No. 35,793
Attorney for Applicants

Serial No. 10/727915

DeMont & Breyer Docket: 630-055US
Avaya Docket: 501035-B-01-US (Seligmann)

732-687-7990

DeMont & Breyer, L.L.C.
Suite 250
100 Commons Way
Holmdel, NJ 07733
United States of America